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7 **UNITED STATES BANKRUPTCY COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **OAKLAND DIVISION**

10 **IN RE:**

11 **818 GREEN STREET LLC,**
12 **Debtor.**

13 **MARTIN LEE ENG**
14 **Plaintiff,**
15 **vs.**

16 **818 GREEN STREET LLC,**
17 **Defendant.**

18 **818 GREEN STREET LLC,**
19 **Counterclaim Plaintiff,**
20 **vs.**

21 **MARTIN LEE ENG and PIONEER 74**
22 **LOTS, LLC**
23 **Counterclaim Defendants.**

Case No.: 14-42286 WJL 7
Chapter 7 (Converted August 8, 2014)

Adv. Pro. No. 14-04094

DEFENDANT 818 GREEN STREET
LLC'S ANSWER TO PLAINTIFF'S
AMENDED ADVERSARY PROCEEDING
COMPLAINT;

AFFIRMATIVE DEFENSES;

and COUNTERCLAIMS

24 Pursuant to Bankruptcy Local Rules 7008-1 and 7012-1, Defendant hereby states that it consents,
25 to the extent that this proceeding involves any non-core matters, to the entry of final orders by
26 the Bankruptcy Judge.
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I. ANSWER

Defendant 818 GREEN STREET LLC, debtor herein, answers the complaint as follows:

INTRODUCTION

1. Deny
2. Deny

PARTIES AND JURISDICTION

3. Deny
4. Deny each and every allegation except that debtor is a California limited liability company and is the debtor in this pending Chapter 11 case.
5. Admit.
6. Admit.

FACTUAL BACKGROUND

7. Lack knowledge or information sufficient to form a belief, and therefore deny the statements.
8. Lack knowledge or information sufficient to form a belief, and therefore deny the statements.
9. Lack knowledge or information sufficient to form a belief, and therefore deny the statements.
10. Deny each and every allegation except that debtor recorded a grant deed on or around May 23, 2014 and was requested by Harry Nguyen.
11. Admit

FIRST CLAIM FOR RELIEF

12. Repeats and realleges each and every response to paragraphs above as if fully set forth herein.
13. admit there is a controversy.
14. Admit
15. Deny each and every allegation except that debtor recorded a grant deed.

1 SECOND CLAIM FOR RELIEF

2 16. Repeats and realleges each and every response to paragraphs above as if fully set forth
3 herein.

4 17. Admit.

5 18. Deny.

6 19. Deny.

7 20. Deny.

8 PRAYER FOR RELIEF

9 1.-4. Deny that plaintiff is entitled to any relief whatsoever.
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13 II. AFFIRMATIVE DEFENSES

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15 1. Complaint fails to state a claim upon which relief may be granted.
16 2. Claims are barred by relevant statute of limitations.
17 3. Claims are barred by doctrine of estoppels.
18 4. Claims are barred by doctrine of laches.
19 5. Claims are barred by doctrine of unclean hands.

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III. COUNTERCLAIMS

JURISDICTION

1. Jurisdiction is established by 28 U.S.C. § 1334 and 28 U.S.C. § 157.
2. This is a core claim. If non-core, the defendant(s) do consent to entry of final order or judgment by the bankruptcy judge.

PARTIES

3. Counterclaim plaintiff is 818 GREEN STREET LLC, debtor herein (“Debtor”).
4. Counterclaim defendant MARTIN LEE ENG (“Eng”) is an individual. Upon information and believe, Mr. Eng resides at 820 Green Street, San Francisco, CA 94133.
5. Counterclaim defendant PIONEER 74 LOTS, LLC is a California limited liability company with business address at 820 Green Street, San Francisco, CA 94133. Upon information and believe, Mr. Eng is the sole owner and manager of PIONEER 74 LOTS, LLC.

BACKGROUND

6. Debtor is the owner of a property known as 818-820 Green Street, San Francisco, CA 94108 (“Property”), which is scheduled in debtor’s bankruptcy petition herein.
7. On July 1, 2009, PIONEER 74 LOTS, LLC, the previous owner of property, for valuable consideration which was acknowledged, deeded the property to debtor with a Grant Deed. Eng, as the owner and manager of PIONEER 74 LOTS, LLC, executed the Grant Deed before a notary public S. Yee, Commission # 1655789.
8. During the period of October 2013 to April 2014, Eng caused a number of grant deeds to be recorded as to the property, all of which are sham instruments unsupported by valid consideration, and all of which are void and has no effect on debtor’s ownership interest in the property.
9. Eng now fraudulently contends that he is owner of 25% interest in the property.
10. PIONEER 74 LOTS, LLC, through Eng as the sole owner, now fraudulently contends that it is owner of 75% interest in the property.

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3 FIRST COUNTERCLAIM
4 DECLARATORY JUDGMENT
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- 6 11. The preceding paragraphs are realleged and incorporated herein by reference.
7 12. An actual controversy has arisen and now exists between debtor and counter-claim
8 defendants.
9 13. Debtor desires a judicial determination of debtor's rights to and ownership of the
10 property.
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12 SECOND COUNTERCLAIM
13 QUIET TITLE
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- 15 14. The preceding paragraphs are realleged and incorporated herein by reference.
16 15. Counter-claim defendants claim interests adverse to debtor in the property.
17 16. Debtor seeks to quiet title against the claims of Counter-claim defendants that they are
18 the owners of the property.
19 17. Debtor seeks a judgment that debtor is the owner in fee simple of the property and that
20 Counter-claim defendants have no interest in the property adverse to the debtor.
21

22 WHEREFORE, debtor prays as follows:
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- 24 1. That plaintiff's complaint be dismissed;
25 2. For a judgment that debtor is the owner in fee simple of the property and that Counter-
26 claim defendants have no interest in the property adverse to the debtor;
27 3. For costs of suit; and
28 4. For such other and further relief as the court deems just and proper.

Date: 11/6/2014

/s/ Mark Lapham
Attorney for Debtor